

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Journal of the Senate

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the seventh day of January in the year of Our Lord two thousand and fourteen.

Volume 141, No.24

Tuesday, March 18, 2014

Twenty-Fourth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:28 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: The Honorable President Paiva Weed and Senators Algiere, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Felag, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 1: Fogarty.

INVOCATION

The Honorable President, by unanimous consent, presents Senator Pearson to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senator Pearson to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of the Twenty-third Legislative Day of the 2014 proceedings is read in part.

Upon suggestion of Senator Pearson and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

GUESTS

Upon suggestion of Senator Satchell and by unanimous consent, the Honorable President, welcomes to the Chamber David Allard of Middletown, Rhode Island, Membership Director of the Young Democrats of Rhode Island and President of the newly created Rhode Island Chapter of the Cant Convert Love Foundation, an organization dedicated to working for LGBT rights in Rhode Island and across the country.

Upon suggestion of Senator DiPalma and by unanimous consent, the Honorable President, welcomes to the Chamber David Allard, Membership Director of the Young Democrats of Rhode Island.

Upon suggestion of Senator Ottiano and by unanimous consent, the Honorable President, welcomes to the Chamber Alexandra Ventura, Intern Program.

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber Ms. Maria de los Angeles Rodriguez, 10 year old 5th grader at Globe Park Elementary School, her brother Jeremy Rodriguez who is celebrating his 9th Birthday today and is a 3rd grader at Globe Park Elementary School, mother Mrs. Arelis Pena Brito, journalist at Providence en Espanol and Julio Cesar Aragon, Cesar Chavez Committee of Rhode Island and Mexican Association.

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President, welcomes to the Chamber Julio Cesar Aragon, Cesar Chavez Committee of Rhode Island and Mexican Association.

COMMUNICATION

The Honorable President presents the following communication:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

March 18, 2014

The Honorable M. Teresa Paiva Weed
President of the Senate
State House, Room 318
Providence, RI 02903

Dear Madam President:

Please be advised that I will be absent from Senate Session on Tuesday March 18, 2014, and Wednesday March 19, 2014.

I would appreciate you recording my letter in the appropriate Senate Journal. Thank you for your attention to this matter.

Sincerely,

Paul W. Fogarty
State Senator D-23

Read and ordered to be placed on file.

**REPORTS OF COMMITTEES
COMMITTEE ON FINANCE**

Senator DaPonte from the Committee on Finance, reports back, with recommendation of passage of the following measure:

Appointment of Mark A. Carruolo of Warwick VICE M. Carl Heintzelman to the State Retirement Board for a term expiring March 1, 2015.

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

Senate Resolution No. 2770

BY Pichardo, Paiva Weed, Satchell, Hodgson, Lombardi

ENTITLED, SENATE RESOLUTION RECOGNIZING AND THANKING THE MARCH OF DIMES, THE NATIONAL AMBASSADORS AND STATE AMBASSADOR FAMILIES, AND ALL THE DEDICATED VOLUNTEERS WHO HAVE HELPED TO IMPROVE THE HEALTH OF MOMS AND BABIES IN OUR STATE AND ACROSS THIS NATION

{LC5186/1}

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by Senators Lynch, Metts, Hodgson, Satchell and Crowley.

The resolution is read and passed, upon a voice vote.

Also:

Senate Bill No. 2771

BY Goodwin, Paiva Weed, DaPonte, Felag, Picard

ENTITLED, AN ACT AUTHORIZING THE ISSUANCE OF BONDS, REFUNDING BONDS AND TEMPORARY NOTES IN THE TOTAL AGGREGATE OF THIRTY MILLION DOLLARS (\$30,000,000) FOR THE CULTURAL ARTS AND ECONOMY PROGRAM OF THE STATE (Authorizes issuance of 30 million dollars in bonds, the proceeds to be used for the provision of 1 to 1 matching grants for infrastructure acquisition and improvement at a number of Rhode Island cultural facilities.)

{LC5117/1}

Read and ordered to the Committee on Finance.

Also:

Senate Resolution No. 2772**BY** Cote, Bates, Pearson, O'Neill, Lombardo**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE MOUNT ST. CHARLES BOYS HOCKEY TEAM FOR WINNING THE 2013-2014 RHODE ISLAND HIGH SCHOOL BOYS STATE CHAMPIONSHIP
{LC5215/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 2773**BY** Goodwin, Jabour, Pichardo, Miller**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS - RETIREMENT OF MUNICIPAL EMPLOYEES (This act would prevent any retired municipal employee convicted of any offense punishable by life in prison from collecting a public pension during his or her period of incarceration.)
{LC5210/1}

Read and ordered to the Committee on Finance.

CALENDAR**IN ORDER FOR TUESDAY, MARCH 18, 2014:****1. 2014-S 2543****BY** McCaffrey**ENTITLED**, AN ACT RELATING TO WORKERS' COMPENSATION -- ELECTRONIC FILING

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Lombardi, Hodgson, Lynch and Jabour.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Felag, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

2. 2014-S 2546**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - COURT ADMINISTRATION

Committee on Judiciary recommends passage.

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Thursday, March 20, 2014.

3. 2014-S 2399 SUB A

BY DaPonte

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - INDEBTEDNESS OF TOWNS AND CITIES

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A.

Senator DaPonte moves passage, seconded by Senators Goodwin and DiPalma.

Senator DaPonte seconded by Senators Conley, Archambault, DiPalma, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2014 -- S 2399 SUBSTITUTE A

AN ACT RELATING TO TOWNS AND CITIES - INDEBTEDNESS OF TOWNS AND CITIES

Madam President:

I hereby move to amend 2014 -- S 2399 SUBSTITUTE A, entitled "AN ACT RELATING TO TOWNS AND CITIES - INDEBTEDNESS OF TOWNS AND CITIES", as follows:

1. On page 1, line 4, after the language "(a)" by deleting the word "A" and by inserting the following language:

"In addition to other authority previously granted, during calendar year 2014 a".

2. On page 1, lines 7 through 9, by deleting the language: "; provided, however, that the outstanding principal amount, in aggregate, shall not exceed five percent (5%) of the total amount of the city or town's most recently adopted municipal budget".

Respectfully submitted,

SENATOR DAPONTE

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LC004651/2
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The motion to amend prevails upon a roll call vote with 33 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS - 33: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Satchell, Sheehan, Sosnowski, Walaska.

NAYS - 2: Senators Felag, Raptakis.

Senator DaPonte moves passage of the act, as amended, seconded by Senators DiPalma and Goodwin.

Senators Hodgson and DaPonte discuss the act.

The act is read and passed, as amended, upon a roll call vote with 23 Senators voting in the affirmative and 12 Senators voting in the negative as follows:

YEAS - 23: The Honorable President Paiva Weed and Senators Archambault, Ciccone, Conley, Cool Rumsey, Crowley, DaPonte, DiPalma, Doyle, Gallo, Goodwin, Jabour, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, Pichardo, Satchell, Sosnowski, Walaska.

NAYS - 12: Senators Algieri, Bates, Cote, Felag, Hodgson, Kettle, O'Neill, Ottiano, Pearson, Picard, Raptakis, Sheehan.

4. 2014-S 2290

BY Miller

ENTITLED, AN ACT RELATING TO LABOR -- APPRENTICESHIP

Committee on Labor recommends passage.

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Thursday, March 20, 2014.

5. 2014-S 2432

BY Satchell

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO EXAMINE FUNDING RHODE ISLAND'S ELEMENTARY AND SECONDARY PUBLIC EDUCATION VIA REVENUE GENERATED THROUGH STATE INCOME TAX

Committee on Education recommends passage.

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Thursday, March 20, 2014.

6. 2014-S 2629

BY DiPalma

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - SCHOOLS

Committee on Judiciary recommends passage.

Senator DiPalma moves passage, seconded by Senators Lombardi, Sheehan, Gallo and McCaffrey.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algiere, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Felag, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

7. 2014-S 2667

BY Gallo

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
PUBLIC SAFETY GRANTS ADMINISTRATION

Committee on Judiciary recommends passage.

Senator Gallo moves passage, seconded by Senators McCaffrey, Lynch, DiPalma and Lombardi.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algiere, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Felag, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

8. 2014-H 7345 as amended

BY Melo

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - INDEBTEDNESS OF
TOWNS AND CITIES

Committee on Finance recommends passage as amended in concurrence.

Senator DaPonte moves passage, seconded by Senators Goodwin, Conley and DiPalma.

The act is read and passed, upon a roll call vote with 23 Senators voting in the affirmative and 12 Senators voting in the negative as follows:

YEAS - 23: The Honorable President Paiva Weed and Senators Archambault, Ciccone, Conley, Cool Rumsey, Crowley, DaPonte, DiPalma, Doyle, Gallo, Goodwin, Jabour, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, Pichardo, Satchell, Sosnowski, Walaska.

NAYS - 12: Senators Algiere, Bates, Cote, Felag, Hodgson, Kettle, O'Neill, Ottiano, Pearson, Picard, Raptakis, Sheehan.

TRANSMITTAL

By unanimous consent, all matters on the Secretary's desk are ordered to be transmitted to His Excellency, the Governor, the Honorable Secretary of State or to the Honorable House of Representatives forthwith.

(See Appendix for List)

GUESTS

Upon suggestion of Senator Nesselbush and by unanimous consent, the Honorable President, welcomes to the Chamber Brook Taylor and Kristen Taylor.

ANNOUNCEMENTS

Senator Cote announces that the Committee on Commerce will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Nesselbush announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Crowley announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet tomorrow, at 3:00 o'clock P.M. in Room 313 of the State House.

Senator Jabour announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Felag announces that the Committee on Finance will meet on Thursday, March 20, at 2:00 o'clock P.M. and at the rise of the Senate, in Room 211 of the State House.

Senator Sosnowski announces that United States Senator Sheldon Whitehouse will hold a briefing on Thursday, March 20, in the Senate Lounge.

RECESS

Upon motion of Senator Goodwin, seconded by Senator Algieri, the Senate stands at recess at 4:50 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Wednesday, March 19, 2014, at 4:15 o'clock P.M.

REPORTS OF COMMITTEES**COMMITTEE ON FINANCE**

Senator DaPonte from the Committee on Finance, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2697 SUB A

BY DiPalma, Felag, DaPonte, Ottiano, Bates

ENTITLED, AN ACT RELATING TO HIGHWAYS - RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY (This act would extend the final date that the Rhode Island turnpike and bridge authority may impose a toll on the Sakonnet River Bridge not to exceed ten cents (\$0.10), from April 1, 2014 to July 1, 2014.)

{LC5018/A/1}

Read and ordered to be placed on the Calendar.

FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage, of the following measure:

House Bill No. 7059 SUB A

(by request)

BY Ucci, Melo, Casey, Phillips, Shekarchi

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION (would make technical changes to the establishment of the Rhode Island Commerce Corporation)

{LC3163/A/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Bill No. 2774**

BY Cool Rumsey, Lombardi, Ottiano, Miller, Goodwin

ENTITLED, AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS (Requires district court to provide information to the NCIS database of those persons subject to civil commitment for mental health treatment. Creates an appeal board for persons denied the right to firearms ownership by the commitment process.)

{LC5202/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2775

BY Cool Rumsey, Lombardi, Ottiano, Miller, Goodwin

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - WEAPONS -MENTAL HEALTH (This act would remove the term “habitual drunkard” from the list of those prohibited from possessing firearms.)

{LC4083/1}

Read and ordered to the Committee on Judiciary.

ADJOURNMENT

Upon motion of Senator Algieri seconded by Senator Goodwin the Senate adjourns at 4:16 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR RYAN W. PEARSON**

Dear Lord, Please remind us to use this time you have given us to add something of value to each day. Help us to remember that our decisions are made without obligation or expectation of any benefit to ourselves, but only to benefit all our citizens. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR THURSDAY, MARCH 20, 2014:**

1. **Appointment of Mark A. Carruolo of Warwick VICE M. Carl Heintzelman to the State Retirement Board for a term expiring March 1, 2015.**

Committee on Finance recommends that the Senate give its Advice and Consent to this nomination.

2. **2014-S 2772**
BY Cote
ENTITLED, SENATE RESOLUTION CONGRATULATING THE MOUNT ST. CHARLES BOYS HOCKEY TEAM FOR WINNING THE 2013-2014 RHODE ISLAND HIGH SCHOOL BOYS STATE CHAMPIONSHIP

Ordered on the Consent Calendar.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MARCH 20, 2014:**

1. **2014-S 2432**
 BY Satchell
 ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE
 COMMISSION TO EXAMINE FUNDING RHODE ISLAND'S ELEMENTARY AND
 SECONDARY PUBLIC EDUCATION VIA REVENUE GENERATED THROUGH
 STATE INCOME TAX

 Committee on Education recommends passage.
2. **2014-S 2697 SUB A**
 BY DiPalma
 ENTITLED, AN ACT RELATING TO HIGHWAYS - RHODE ISLAND TURNPIKE
 AND BRIDGE AUTHORITY

 Committee on Finance recommends indefinite postponement of the original bill and
 passage of Substitute A.
3. **2014-S 2546**
 BY McCaffrey
 ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
 COURTS - COURT ADMINISTRATION

 Committee on Judiciary recommends passage.
4. **2014-S 2290**
 BY Miller
 ENTITLED, AN ACT RELATING TO LABOR -- APPRENTICESHIP

 Committee on Labor recommends passage.
5. **2014-H 7059 SUB A**
 BY Ucci
 ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
 RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION

 Ordered to be placed on the Calendar for passage in concurrence.

Appendix

BILLS TRANSMITTED TO THE GOVERNOR

House Bill No. 7345 as amended

BY Melo, Amore, Kazarian, O'Neill, Hearn

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - INDEBTEDNESS OF TOWNS AND CITIES (would permit cities & towns to authorize, without charter or referendum approval, the issuance of bonds, notes or other evidences of indebtedness for road & bridge projects financed through the municipal road & bridge revolving fund)

{LC4309/1}